

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

CrI.MC.No. 2109 of 2007()

-----  
CP.5/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT-  
II, NEYYATTINKARA  
CR.NO.15/06 OF AMARAVILA EXCISE RANGE.  
-----

PETITIONER: 4TH ACCUSED  
-----

SUBHASHINI, D/O CHELLAMMA,  
AKKARAPOTTA VEEDU, NADOORKOLLA,  
MANCHAVILAKOM, MALAYILKADA,  
NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT  
-----

STATE OF KERALA, REPRESENTED BY THE  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI. M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**R. BASANT, J.**

-----  
**Crl.M.C. NO. 2109 OF 2007**  
-----

Dated this the 2<sup>nd</sup> day of July, 2007

**ORDER**

Application under Sec.482 of the Cr.P.C. The petitioner faces allegations under the Kerala Abkari Act. He had earlier come to this Court seeking anticipatory bail. Another Bench of this Court dismissed the application; but observed that the petitioner can surrender before the learned Magistrate and file an application for bail within two weeks from 15/3/07 and if the same is done, the application must be considered and disposed of preferably on the same day on which the application is filed. The petitioner did not surrender before the learned Magistrate. He has come before this Court again with a fresh petition under Sec.482 of the Cr.P.C. with a request that the time fixed for appearance may be extended. I find it absolutely not necessary to extend the time prescribed as the petitioner shall be at liberty at any time to appear before the learned

**Crl.M.C. NO. 2109 OF 2007 -: 2 :-**

Magistrate and apply for bail, after giving sufficient prior notice to the Prosecutor in charge of the case. Sufficient general directions on this aspect has already been issued in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339). No special or specific directions appear to be necessary. Every court must do the same.

2. In the result, this Crl.M.C. is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself .

**Sd/-**

**(R. BASANT, JUDGE)**

**Nan/**

*//true copy//*

P.S. to Judge